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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,440	02/25/2000	Kathleen Tyson-Quah	126-001USA000	7934

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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/513,440

Applicant(s)

TYSON-QUAH, KATHLEEN

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-24, 58, 60-104 and 106-160 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 2-24, 58, 60-104 and 106-160 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In the Prior Office action, the Examiner has indicated allowable subject matter by objecting to certain dependent claims. The applicant's representative has now submitted the objected dependent claims into independent claims by incorporating subject matter of the independent claims into the respective independent claims. However, after a further analysis of the pending claims, it appears that the present grouping of independent claims are directed toward distinct unrelated subject matter thus constituting the requirement of a restriction as found below.

#### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 2-4 and 9-12, drawn to a system for reducing payments risk, liquidity risk and systemic risk associated with payments-based transactions wherein said Filter Process Module in each said Payment Bank Host Application is integrated with payments processing such that payments instructions are filtered for compliance using suspend payment instructions and said payments risk parameters, classified in class 705, subclass 35.

II. Claims 5-7, drawn to a system for reducing payment risk, liquidity risk and systematic risk associated with payments-based transactions wherein each said Payment Bank Host Application is capable of calculating the Available Balance for counterparty payments using data interchange with existing payments confirmation services and monitoring elapsed time, classified in class 705, subclass 35.

III. Claim 8, drawn to a system for reducing payments risk, liquidity risk and systematic risk associated with payments-based transactions wherein each said Payment Bank Host Application automatically incorporates a suspension of all further payments to a counterparty on receipt of a notification to do so via implementation as a trigger in said Filter Process Module, classified in class 705, subclass 35.

IV. Claims 13-24, drawn to a method of reducing payments risk, liquidity risk, and systemic risk in a system supporting a plurality of Third Party Host Applications, a plurality of User Host Applications, and a plurality of Payment Bank Host Applications, each said payment Bank Host Applications has a Filter Process Module for processing payments instructions wherein said Payment Bank Host Application applying said payments risk data as input parameters to said Filter Process Module for automated evaluation of payments instructions in respect of accounts of said Users such that payments instructions breaching said input parameters to said Filter Process Module are rejected back to a payments processing queue for later re-evaluation in the absence of an override instruction, classified in class 705, subclass 35.

V. Claims 58, 60-71, 82, 83, and 157-160, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein the first instruction is returned to the payment queue for later re-evaluation in the event that the

amount of payment authorized by the first instruction exceeds the available balance, classified in class 705, subclass 35.

VI. Claims 72-81, 114-127, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank, wherein the at least one user-supplied risk parameter comprises a clean payment limit, classified in class 705, subclass 35.

VII. Claims 84-88, 130-134, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein the method further comprises the step of for each given first instruction, when processing by the risk filter routine rejects payment authorized by the given first instruction, adding the given first instruction to a cache of first instruction, classified in class 705, subclass 35.

VIII. Claims 89-96, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein the method further comprises in response to receipt of the user-supplied second instruction, suspending all payments from the account holder to the counterparty as identified by the second instruction, classified in class 705, subclass 35.

IX. Claims 97-103, 143-153, 155-156, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein the method further comprises the step of using digital certification to establish access authority and usage constraints of the risk filter routine, classified in class 705, subclass 35.

X. Claim 104, drawn to a computer-implemented method of reducing risk in a payment-based transaction wherein payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein selective rejection of payment authorized by the first instruction reduces payment risk arising from default by the counterparty and any liquidity risk and system risk arising therefrom in like amount, classified in class 705, subclass 35.

XI Claims 106-113, 128-129, 135-142, 154, drawn to a system for reducing risk in payment-based transactions wherein the risk filter routing returns the first instruction to the payment queue for later re-evaluation, classified in class 705, subclass 35.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and the other inventions of Groups II to XI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP §

808.01). In the instant case the different inventions are unrelated because the invention of Group VIII, recites "payment is made from an account holder to a counterparty using a payment bank system operated by a payment bank wherein the method further comprises in response to receipt of the user-supplied second instruction, suspending all payments from the account holder to the counterparty as identified by the second instruction" as such a feature is neither present or obvious from features recited in Groups I-VII and IX - XI.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Claims 2-24, 58, 60-104 and 106-160 are allowable over the art of record.

### ***Conclusion***

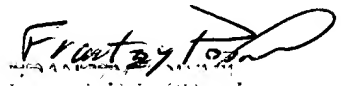
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 Before Final actions and (703) 872-9327 After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

December 15, 2003

  
FRANTZY POINVIL  
Examiner